



04/09/97

No Fee

PATENT

ATTORNEY DOCKET NO.: 044525-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents

Box Patent Application

Washington, D.C. 20231

NEW CONTINUATION-IN-PART APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): Philip E. SILKOFF and Patricia A. McCLEAN
*ET AL*For: METHOD AND APPARATUS FOR THE MEASUREMENT OF
COMPONENTS OF EXHALED BREATH IN HUMANS

1. This new application is a Continuation-In-Part (CIP) of U.S. Application Number 08/629,584 filed April 9, 1996 and is based on U.S. Provisional Application Number 60/017,251 filed May 10, 1996.

2. Papers enclosed which are required for a filing date:

51 Pages of specification including
1 Title page
4 Pages of claims and
1 Page of Abstract
9 Sheets of [] FORMAL [X] INFORMAL drawings containing
10 Figures

[] The enclosed drawing(s) are photograph(s), and there is also attached a
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

[] Enclosed - and is executed by all inventors
[X] Not Enclosed

This application is being filed under the provisions of 37 C.F.R. §1.53(d).
Applicant(s) await notification from the Patent and Trademark Office of the time set
for filing the Declaration and paying the filing fees.

4. Language

[X] English
[] Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of
the MPEP. Applicant(s) await notification from the Patent and Trademark Office of
the time set for filing the verified English translation and the processing fee.

5. Assignment

☐ is attached and Assignment of the invention is to _____
☐ also enclosed is the Form PTO 1595, Recordation Form Cover Sheet.

☒ will be filed at a later date

6. Application(s) from which priority under 35 U.S.C. §120 is (are) claimed is (are):

Country	Application No.	Filed
U.S.A	60/017,251	May 10, 1996
U.S.A	08/629,584	April 9, 1996

Certified copy(ies) is/are ☐ attached ☒ will follow

7. Relate Back - 35 U.S.C. §120

☐ Amend the specification by inserting before the first line the sentence:
 "This is a continuation-in-part of copending application(s)

☐ application number _____ filed on _____."

☐ International Application No. _____ filed on _____, and which
 designated the U.S."

**[Reference must be made to each application in the chain of applications
 being relied on, including the parent application and any application(s)
 from which it depends.]**

8. Relate Back - 35 U.S.C. §119 Priority Claim For Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above, in turn itself claim(s) foreign priority(ies) as follows:

Country	Application No.	Filed

The certified copy(ies) has (have)

☐ been filed on _____ in prior application Application No. _____ which was
 filed on _____

☐ is (are) attached

9. Maintenance of Copendency of Prior Application

☐ A petition and fee has been filed to extend the term in the pending prior application until _____

☐ A copy of the petition for extension of time in the prior application is attached.

10. Inventorship Statement

a. ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☐ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted:

b. ☒ This application discloses and claims additional disclosure and a new declaration or oath

☐ is ☒ will be filed

With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. 120 the inventor(s) in this application is(are):

☒ the same

☐ the following additional inventor(s) have been added:

c. ☐ The inventorship for all the claims in this application are

☐ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted

☐ will be submitted

11. Fee Calculation

CLAIMS AS FILED				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility\$770.00 Design\$320.00
Total Claims (37 CFR 1.16(c))	17 - 20 =		\$ 22.00 each=	+
Independent Claims (37 CFR 1.16(b))	2 - 3 =		\$ 80.00 each=	+
Multiple dependent claim(s), if any (37 CFR 1.16(d))			\$260.00	+
SUB-TOTAL =				\$ 770.00
Reduction by 1/2 for filing by a small entity				- \$
TOTAL FILING FEE =				\$ 770.00

12. Small Entity Statement(s)

- ☐ Verified Statement(s) that this is a filing by a small entity under 37 C.F.R. §1.9 and §1.27 is(are) attached.

13. Fee Payment

- ☒ Not Enclosed.

NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.

This application is being filed under the provisions of 37 C.F.R. §1.53(d). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

- ☐ Enclosed

A check in the amount of \$_____ representing the filing fee of \$_____ and an assignment recording fee of \$_____ is enclosed.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 13-4520.

14. [XX] **PETITION FOR EXTENSION**. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 08/629,584, filed April 9, 1996, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 13-4520. **A duplicate copy of this paper is enclosed for use in charging the deposit account.**
15. Additional papers enclosed
[] Preliminary Amendment
[] Information Disclosure Statement

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Reid G. Adler
Reg. No. 30,988

Dated: April 9, 1997

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